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EXAMINER LU'ONG, ALAN H				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/672,654

Applicant(s)

KARAOGUZ ET AL.

Examiner

ALAN LUONG

Art Unit

2427

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

This Office Action is responsive to the Amendment filed on 03/05/2009.

Applicants add new claims 25-40. Claims 1-40 are pending in the Application.

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims **1-3, 5, 6, 7, 11 and 12** are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims **1-3, 5, 7, 8, 10 and 11** respectively of copending Application No. 10/667833. For example:

10/672654 (claims 1-3)	10/667833 (claims 1-3)
1. A system supporting the communication and consumption of media using a common user interface, the system comprising:	1. A system supporting concurrent consumption of media from multiple sources, the system comprising:

<p>a television display in a first home; a first storage for storing media, in the first home, having a first associated network address, the first storage communicatively coupled to the television display;</p> <p>2. The system of claim 1 wherein the media comprises at least one of audio, a still image, video, and data.</p> <p>3. The system of claim 1 wherein the media comprises real-time video.</p>	<p>a first television display in a first home; a first storage in the first home that stores a first media, and having an associated first network protocol address;</p> <p>2. The system of claim 1 wherein the first media comprises at least one of audio, a still image, video, and data.</p> <p>3. The system of claim 2 wherein the first media is real-time video.</p>
<p>6. The system of claim 1 wherein the communication network comprises at least one of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and a wireless infrastructure.</p>	<p>7. The system of claim 1 wherein the communication network comprises at least one of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and a wireless infrastructure.</p>
<p>11. The System of claim 10 wherein the at least one media peripheral comprises at least one of a digital camera, a digital camcorder, an MP3 player, a home juke-box system, a multi-media personal digital assistant (PDA), and a mobile multi-media gateway device,</p>	<p>11. The system of claim 10 wherein the at least one first media peripheral comprises at least one of a digital camera, a digital camcorder, a television, a personal computer, a CD player, a home juke-box, a mobile multi-media gateway, a multi-media personal digital assistant, a DVD player, a tape player, and a MP3 player.</p>

Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims in application are the same subject matter to the claims

in the copending application although the claims in copending application are broader than the claims in application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims **1-24 and 25-40** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pub. No. 2004/0132403 (US'403) to Alba, in view of US Pub. No. 2004/0203593 (US'593) to Whelan et al.

Regarding to claim 1: Alba discloses a system supporting the communication and consumption of media (as a wireless cable networking gateway 120 of Fig .1; see Abstract and using a common user interface (as TV Cable Backbone 132 of Fig.1), the system comprising:

a television display (134 of Fig.1) **in a first home** (as a premises cable network 130 of Fig. 1, para.[0029]);

a first storage for storing media (i.e. a wireless cable networking gateway 120

is coupled with WAP 410 and Wi-Fi device 140 as computer, VCR, DVD, (see Fig. 4), **in the first home, communicatively coupled to the television display** (i.e. Wi-Fi device 140 may communicates to the first TV set 134, wireless cable networking gateway 120 and TV cable backbone 132 ; see Fig. 4, para. [0030]);

a first user interface (i.e. TV cable backbone 132 is coupled with WAN 110 and wireless cable networking gateway 120 which is a device interface between WAN 110 and Premise TV cable 130) **for display on the television display** (i.e. first user at TV set 134), **the first user interface supporting the communication and consumption of media, and having a first look and feel** (see Fig. 4 and para. [0009], [0010]);

a personal computer monitor (136 of Fig. 1) **in a second home** (as a premises cable network 130 of Fig. 1), (para. [0029]);

a second storage for storing media (i.e. Gateway 120 is coupled with WAP 410 and a computer 450 of Fig. 4), **in the second home, the second storage** (i.e. computer 450) **communicatively coupled to the personal computer monitor** (i.e. second TV set 136) (see Fig. 4, para. [0009] [0010]),

a second user interface (i.e. wireless cable networking gateway 120 is device interface between wireless access point 510 and TV cable backbone 132) **for display on the personal computer monitor** (i.e. second user at TV set 136), **the second user interface supporting the communication and consumption of media, and having a second look and feel** (see Fig. 5, para. [0059]);

the first user interface and the second user interface (*i.e. TV cable backbone 132 and wireless cable networking gateway 120 are coupled with WAN 110, WAP 510*) **being substantially the same user interface** (*i.e. a wireless cable network Gateway 120 of Fig. 5 as common interface device*), **the first look and feel and the second look and feel being substantially the same** (see Fig. 5 and para.[0059]).

But Alba fails to teach a first and a second associated network address and server software to identify one of the first and second associated network addresses, and responds by identifying the other of the first and second associated network addresses to support the communication via a communication network of media between one of the first and second storage and the other of the first and second storage for consumption.

Whelan teaches **mobile unit** (MU 416) may communicate with base station or **Access Point** bridge (see Whelan, para. [0003] and Fig.4) comprising:

server (as Dynamic Host Configuration Protocol (DHCP) servers 422 (see Fig. 4 para. [0088]) **contains server software that receives a request that identifies one of the first and second associated network addresses** (*i.e. the mobile unit typically makes a DHCP IP address assignment request (or other suitable address assignment request) 454, which will be passed by the access point 456 to the configuration management server 400, (para. [0091] lines 9-12)* **and responds by identifying the other of the first and second associated network addresses** (*i.e. DHCP server provides network address as another IP address to mobile unit*) **to support the**

exchange via a communication network of media between one of the first and second storage (i.e. inside *Access Points 414*) and the other of the first and second storage for consumption (storage of *Mobile units 416*) (para. [0091] lines 4-19).

Therefore, it would have been obvious to one of the ordinary skill in the art, at the time of the invention was made to combine the server software that receives a request that identifies one of the first and second associated network addresses and responds by identifying the other of the first and second associated network addresses as taught by Whelan to support the exchange via a communication network of media between one of the first and second storage and the other of the first and second storage for consumption as Alba's communication network.

Regarding to claim 2, 3: Alba teaches the system of claim 1 wherein the media comprises at least one of audio (DVD player 430 can play CD audio), a still image (video camera 440), video, real-time video (movie) and data (computer 450)(see Fig. 4 and para.[0055] lines 4-15, [0056] lines 4-12).

Regarding to claim 4: Alba also teaches a consumption comprises at least one of playing audio (DVD player 430 can play CD, MP3 format), displaying a still image (video camera 440), displaying video (digital camera 470 and gaming system console 460), and displaying data (computer 450)(see Fig. 4, para. [0030] lines 14-18)

Regarding to claim 5: Whelan teaches the system of claim 1 wherein the first and second associated network addresses are one of an Internet protocol (IP) address(*Mobile unit makes a DHCP IP address request*); (see Whelan para.[0091] lines 8-11) , a media access control (MAC) address (see para.[0091] lines 12-19), and

an electronic serial number (ESN) (*as asymmetric key authentication for mobile unit*); (see para.[0087]).

Regarding to claim 6, 7: Alba discloses the system of claim 1 wherein the communication network comprises at least one of a cable infrastructure (CATV 110), a satellite network infrastructure (satellite system), a digital subscriber line (DSL) infrastructure, an Internet infrastructure (WLAN), an intranet infrastructure, a wired infrastructure, and a wireless infrastructure (802.11(b) (see Figs.1, 4 and para.[0025], [0026]). Therefore, it would have been obvious to one of the ordinary skill in the art, at the time of the invention was made to understand that a DSL modem including in the premises cable network (130 of Fig. 5).

Regarding to claim 8: Alba discloses the system of claim 1 wherein the first and second user interfaces (120) comprise a view having at least one media channel (WAN 110), the media channel comprising media available for consumption (*see Fig. 4; wide-area cable network 110 is coupled with gateway 120 and TV cable backbone 132 for display on TV set 134 and 136*), (also see para. [0037, 0038].

Regarding to claim 9: Alba further discloses the system of claim 8 wherein at least a portion of the media available for consumption is user captured media. (*a digital camera 470 is coupled to a WAP 410 linking to a computer 450*), (Alba Fig. 4 and para. [0057]).

Regarding to claim 10: Alba also teaches the system of claim 1 wherein the first and second user interfaces comprise a view displaying information related to at

least one media peripheral (*a wireless access point (WAP) communicates with a PDA as a media peripheral*, (Alba para. [0004] lines 1-6) .

Regarding to claim 11: Alba further discloses the system of claim 10 wherein the at least one media peripheral comprises at least one of a digital camera (470), a digital camcorder (440), an MP3 player (a DVD 430 player can plays MP3 format), a home juke-box system (same as DVD player with multiple discs), a multi-media personal digital assistant (PDA)(see para.[0004] lines 1-6), and a mobile multi-media gateway device (120) (see Fig. 4 and para. [0055] lines 4-15; also para. [0030] lines 14-18).

Regarding to claim 12: Alba discloses the system of claim 1 further comprising:

at least one media peripheral (Digital Camera 470) **communicatively coupled to one of the first storage and the second storage** (Wireless Access Point 410, wireless cable Gateway 120 and computer 450) (Alba, para. [0057] and Fig. 4);

a third user interface for display (i.e. a third TV set) **on the at least one media peripheral** (or Wi-Fi device 140), **the third user interface supporting the communication and consumption of media, and having a third look and feel** (allow the 3rd user at different premises can view or interact with Wi-Fi data on the third TV set); and the first, second, and third user interface being substantially the same user

interface (gateway 120), **the first look and feel, the second look and feel, and the third look and feel being substantially the same** (Alba, Fig. 1 and para.[0027, 0028]).

Regarding to claim 13: merely repeats the same limitation of claim 11; therefore, claim 13 is rejected for same reason as discussed in claim 11.

Regarding to claim 14: merely repeats the same limitation of claim 1; therefore, claim 14 is rejected for same reason as discussed in claim 1. In the recitation "set top box" that has not been given patentable weight because it has been disclosed as "a satellite receiver or cable box "(Alba, para. [0007] lines 4-7) is denied the effect of a limitation where the claim is drawn to a description of the structure. MPEP 2111.02.

Regarding to claims 15, 16: merely repeat the same limitation of claims 2 and 3; therefore, claims 15, 16 are rejected for same reason as discussed in claims 2 and 3

Regarding to claim 17: merely repeats the same limitation of claim 4; therefore, claim 17 is rejected for same reason as discussed in claim 4.

Regarding to claims 18, 19: merely repeats the same limitation of claims 6, 7; therefore, claims 18, 19 are rejected for same reason as discussed in claims 6, 7.

Regarding to claim 20: merely repeats the same limitation of claim 8; therefore, claim 20 is rejected for same reason as discussed in claim 8.

Regarding to claim 21: merely repeats the same limitation of claim 9; therefore, claim 21 is rejected for same reason as discussed in claim 9.

Regarding to claim 22: merely repeats the same limitation of claim 10; therefore, claim 22 is rejected for same reason as discussed in claim 10. In the

recitation "set top box" that has not been given patentable weight because it have been discloses in "a premises cable network "(Alba, para. [0007] lines 4-7) is denied the effect of a limitation where the claim is drawn to a description of the structure. MPEP 2111.02.

Regarding to claim 23: merely repeats the same limitation of claim 12; therefore, claim 23 is rejected for same reason as discussed in claim 12.

Regarding to claim 24. merely repeats the same limitation of claim 11; therefore, claim 24 is rejected for same reason as discussed in claim 11.

Regarding to claim 25. Alba discloses a cable box [132 of Fig. 1] as **One or more circuits** for use in a system supporting the same features of claim 1 and 14. the cable box [132 of Fig. 1] contains **at least one processor** which executes the same function of system in claim 1 and 14. Therefore, claim 25 is rejected for the same reason as discussed in claim 1 and 14.

Regarding to claim 26 :The one or more circuits of claim 25, merely repeats the same limitation of claim 2, therefore, claim 26 is rejected for the same reason as discussed in claim 2

Regarding to claim 27 :The one or more circuits of claim 25, merely repeats the same limitation of claim 3, therefore, claim 27 is rejected for the same reason as discussed in claim 3

Regarding to claim 28 : The one or more circuits of claim 25, merely repeats the same limitation of claim 4, therefore, claim 28 is rejected for the same reason as discussed in claim 4.

Regarding to claim 29 : The one or more circuits of claim 25, merely repeats the same limitation of claim 5, therefore, claim 29 is rejected for the same reason as discussed in claim 5

Regarding to claim 30:The one or more circuits of claim 25, merely repeats the same limitation of claim 6, therefore, claim 30 is rejected for the same reason as discussed in claim 6

Regarding to claim 31:The one or more circuits of claim 25, merely repeats the same limitation of claim 7, therefore, claim 31 is rejected for the same reason as discussed in claim 7

Regarding to claim 32 : The one or more circuits of claim 25, merely repeats the same limitation of claim 8, therefore, claim 32 is rejected for the same reason as discussed in claim 8

Regarding to claim 33. The one or more circuits of claim 32, merely repeats the same limitation of claim 9, therefore, claim 33 is rejected for the same reason as discussed in claim 9

Regarding to claim 34. The one or more circuits of claim 25, merely repeats the same limitation of claim 10, therefore, claim 34 is rejected for the same reason as discussed in claim 10

Regarding to claim 35. The one or more circuits of claim 34, merely repeats the same limitation of claim 11, therefore, claim 35 is rejected for the same reason as discussed in claim 11

Regarding to claim 36. The one or more circuits of claim 35, merely repeats the same limitation of claim 12, therefore, claim 36 is rejected for the same reason as discussed in claim 12

Regarding to claim 37 The one or more circuits of claim 36, merely repeats the same limitation of claim 13, therefore, claim 35 is rejected for the same reason as discussed in claim 13

Regarding to claim 38: The one or more circuits of claim 25, Alba also discloses wherein the system comprises a **set top box** (i.e. as TV cable backbone 132) (Alba, para. [0029]).

Regarding to claim 39: The one or more circuits of claim 25, Alba also discloses **wherein the first display device [134] comprises a television.** (Alba, para. [0029]).

Regarding to claim 40: The one or more circuits of claim 25, Alba also discloses wherein **both of the first display device [134] and the second display device [136] comprise a computer monitor.** (Alba, para. [0010]).

Response to Arguments

4. Applicant's arguments filed 05 March 2009 have been fully considered but they are not persuasive;

A. Non-Statutory Obviousness-Type Double Patenting

Applicants respectfully submit that the Office fails to even reproduce, let alone address all of the features of independent claims 1 of the Application and of cited Application Serial No. 10/667,833. (Remark, page 14) Examiner respectfully disagrees.

Claim 1 of application discloses the same subject matter of the consumption of media from multiple sources comprises: TV display, PC, storage and network address at user's home and server software which are same subject matter are disclosed in the current claim 1 of copending application # 10/667,833. Claim 1 of copending application discloses subject matter broader than claim 1 of application (i.e. a communication network is inherent with user interface in the current application); because the claims in application are the same subject matter to the claims in the current copending application, therefore the Double Patenting rejection is clarified by remove claims 13, 15, 16, 18, 19, 23 and 24 from the list and maintained rejection with respect to claims 1-3, 5, 6, 7, 11 and 12 associated with claims 1-3, 5, 7, 8, 10 and 11 respectively of copending Application No. 10/667833.

B. Rejections Under 35 U.S.C. 103 as being unpatentable over Alba, in view of Whelan, et al.

1. Applicants respectfully submit that the Office has failed to show how the "WAN 110", "wireless cable networking gateway 120", or "TV cable backbone 132" of Fig. 4 of Alba teach or suggest a "user interface". Based at least upon the above, Applicants respectfully submit that the cited portions of Alba do not teach or suggest "...a first user interface for display on the television display, the first user interface supporting the communication and consumption of media, and having a first look and feel; (Remark, pages 16-17) Examiner respectfully disagrees.

User interface is defined "(UI) *The aspects of a computer system or program which can be seen (or heard or otherwise perceived) by the human user, and the commands and mechanisms the user uses to control its operation and input data*". Alba explicitly teaches or suggests a "user interface" as "**premises cable interface**" in teaching of "**wide-area and premises cable interfaces (i.e. "WAN 110" and "wireless cable networking gateway 120") for coupling the wireless cable networking gateway to respective wide-area and premises cable networks(i.e. "TV cable backbone 132" of Fig. 4)**"(Alba, ¶0009). User at the premises cable network could communicate with another through a wireless access point (WAP) by displayed channel on TV set where users have the same look and feel; (Alba, ¶0010). Therefore, Alba explicitly teaches or suggests "**...a first user interface for display on the television display, the first user interface supporting the communication and consumption of media, and having a first look and feel**";

2. Applicants respectfully submit that the Office fails to explain how it supports the interpretation of the "Access Point 414" of Whelan as a "user interface". Applicants claim 1 recites that the "user interface" is "...for display." It is unclear to the Applicants

how an "Access Point 414" would be displayed on a television display or monitor, as claimed.

Further, Applicants respectfully state that *"the cited portion of Whelan says nothing about "receiving a request", let alone that such a "received request" identifies one of first and second associated network addresses as claimed.*

Additionally, Applicants respectfully note that the "DHCP Server 422" or its proxy assigns an IP address to the "mobile unit 416" that requests the IP address. The assigned IP address provided by the "DHCP Server 422" is not that of "...the other of the first and second associated network addresses..." in accordance with Applicants' claim 1. Applicants respectfully submit that the proposed combination of Alba and Whelan fails to render claim 1 unpatentable, for at least this reason. (Remark, pages 19, 21, 22) Examiner respectfully disagrees.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). With the same discussion, Alba explicitly teaches or suggests *"...a second user interface for display on the PC monitor, the second user interface supporting the communication and consumption of media, and having a second look and feel"*. Further, Alba teaches a Wireless AP which is connecting to User interface as keyboard of PC monitor at second user's home. (Alba, ¶0058-¶0059). However, Alba is silent to "server

software receives a request that identifies a network address". Whelan makes up the missing of Alba by teaching DHCP server includes the server software receives a request that identifies a network address from mobile unit or user remote station (*i.e. MAC address in Layer 2 of mobile unit in data package*), in response DHCP only provides IP address to the mobile unit (*i.e. IP address as network address*) if the configuration management server allow DHCP to do so. It only happens when the mobile unit is associating with an access point (*i.e. handshake between 2 devices*) (Whelan, ¶0088 and ¶0091). Therefore, it have been obvious to one with ordinary skill in the art to includes server software as taught by Whelan to verify and configure to access user 's remote unit with WAP of Alba to provide IP address to authorized users allow access in media exchange communication network.

C. With regard to claim 8,

1. Applicants respectfully submit that "the *"element 120"* of Alba, which is shown in Fig. 4 as a "wireless cable networking gateway 120", teaches Applicants' element "user interface". Applicants respectfully submit that the Office fails to show how a piece of communication equipment such as a "wireless cable networking gateway 120" teaches a "first user interface for display on a television display" or "a second user interface for display on a personal computer monitor", as recited by Applicants' claim 1. For at least these reasons, Applicants respectfully submit that the proposed combination of Alba and Whelan also fails to support a *prima facie* case of obviousness or render claim 8 unpatentable. (Remark, page 23) Examiner respectfully disagrees.

As above discussed, User interface is defined “ (UI) The aspects of a computer system or program which can be seen (or heard or otherwise perceived) by the human user, and the commands and mechanisms the user uses to control its operation and input data” . Fig. 2 of Alba illustrates the structure of a wireless cable networking gateway 120 which includes The wide-area cable interface 240 and the premises cable interface 260 where users can input and control command on TV set [134 or 136]. Further, TV channel are transmitted across the premises cable interface 260 from WAN 110 through an interface 240 and gateway 120; to be displayed on TV set 134 or 136 of the premises cable network 130. (Alba, Fig. 1, ¶0029). Therefore, based on definition of User Interface, the wireless cable networking gateway 120 as “common interface device” is coupled between WAN 110, Wi-Fi devices with the user at TV set 134 or 136 of the premises cable network 130. Therefore, based on the system view, the wireless cable networking gateway 120 is user interface between user and Wi-Fi Devices (Alba, Fig. 2, and ¶0037-¶0038)

2. Finally, Applicants respectfully request clarification of the intended meaning of the following statement “In the recitation “set top box” that has not been given patentable weight because it has been disclosed as “a satellite receiver or cable box” (Alba, para. [0007] lines 4-7) is denied the effect of a limitation where the claim is drawn to a description of the structure. MPEP 2111.02.” (Remark, page 25)

In response to applicant's arguments, the recitation ***Set-top box circuitry*** has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). In this case, Examiner respectfully clarify the cited "Set-top box circuitry" is considered as a system as cited in Preamble of claim 14; therefore, it has not been given patentable weight (MPEP 2111.02). However, whether or not Alba still discloses "a satellite receiver or cable box" (Alba, para. [0007] lines 4-7) as "set-top box" as cited in claim 14.

Examiner respectfully recognizes Applicant's position. However, it is respectfully submitted that a prima facie case of obviousness has in fact been established; the rejection should be clarified with the same references.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALAN LUONG whose telephone number is (571) 270-5091. The examiner can normally be reached on Mon.-Thurs., 8:00am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on 571-272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner, Art Unit 2427

/Joseph G Ustaris/

Primary Examiner, Art Unit 2424